

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SHANNON MILLER,
Plaintiff,

v.

FIRST NATIONAL COLLECTION
BUREAU, INC.
Defendant.

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CIVIL ACTION NO. 4:13-CV-572

**DEFENDANT FIRST NATIONAL COLLECTION BUREAU, INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT**

COMES NOW, Defendant First National Collection Bureau, Inc., by and through the undersigned counsel, files its Answer and Defenses to Plaintiff's Class Action Complaint "Complaint" filed by Shannon Miller ("Plaintiff"). The paragraph numbers below correspond with the paragraph numbers contained in the Plaintiff's Complaint to the extent possible:

**I.
NATURE OF ACTION**

1. Defendant admits Plaintiff alleges a class action pursuant to FDCPA, but denies that it has violated the statute.
2. Defendant admits this Court's jurisdiction.
3. Defendant is without sufficient information to admit or deny Paragraph 3.
4. Defendant is without sufficient information to admit or deny Paragraph 4.
5. Defendant admits Plaintiff owes a debt, but is unable to admit or deny the remainder of Paragraph 5.
6. Defendant is unable to admit or deny Paragraph 6.
7. Defendant admits Paragraph 7.

8. Defendant admits Paragraph 8.
9. Defendant admits Paragraph 9.
10. Defendant is without sufficient information to admit or deny Paragraph 10.
11. Defendant is without sufficient information to admit or deny Paragraph 11.
12. Defendant denies Paragraph 12.
13. Defendant denies Paragraph 13.
14. Defendant denies Paragraph 14.
15. Paragraph 15 requires no response.
16. Defendant is without sufficient information to admit or deny Paragraph 16.
17. Defendant denies Paragraph 17.
18. Defendant denies Paragraph 18.
19. Defendant denies Paragraph 19.
20. Defendant realleges the preceding Paragraphs.
21. Defendant denies Paragraph 21 is a complete statement of the law.
22. Defendant denies Paragraph 22.
23. Defendant denies Paragraph 23.
24. Defendant repeats and realleges allegations contained in Paragraphs 1 through 19.
25. Defendant denies Paragraph 25 is a complete statement of the law.
26. Defendant denies Paragraph 26.
27. Defendant denies Paragraph 27.
28. Defendant admits Paragraph 28.

II.

AFFIRMATIVE DEFENSES

45. Plaintiff has failed to mitigate damages, if any.

46. Plaintiff's damages, if any, are the result of a preexisting injury.
47. Any violation, if it occurred, is a result of a bona fide error.
48. The damages, if any, were result of actions of a third party over which this Defendant has no control.

WHEREFORE, PREMISES CONSIDERED, Defendant, respectfully prays that Plaintiff take nothing herein, that said Defendant be dismissed with its costs, and all other and further relief, at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

ROBBIE MALONE, PLLC

/s/ Robbie Malone
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via ECF on this 7th day of November, 2013.

Jeff Wood, Esq.
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/s/ Robbie Malone
ROBBIE MALONE